IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 1749 of 2004(G)

PETITIONER:

MUHAMMEDKUTTY, S/O. KUTTY HASSAN,
AGED 32, MAVAYIL HOUSE, P.O. NELLIKKAPARAMBA,
MUKKOM, KOZHIKODE.

BY ADV. SRI.P.P.JACOB
SRI.M.P.CHOTHY

RESPONDENTS:
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1. **MUKKOM SERVICE CO-OPERATIVE BANK LTD.NO.F.1241, MUKKOM KOZHIKODE, REPRESENTED BY ITS SECRETARY.**

2. **JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G), KOZHIKODE.**

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.1749/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DT. 4.8.95.

EXT.P2:- COPY OF THE INSPECTION REPORT FILED BY 2ND RESPONDENT DT. 1.2.96 BEFORE THE REGISTRAR, TRIVANDRUM.

EXT.P3:- COPY OF THE ORDER ISSUED BY 2ND RESPONDENT DT. 6.1.98.

EXT.P4:- COPY OF THE INTERIM ORDER ISSUED IN CMP. NO.13760/98 IN OP. 7976/98.

EXT.P5:- COPY OF THE LETTER ISSUED BY 2ND RESPONDENT TO THE SECRETARY MUKKOM SCB.

/TRUE COPY/

P.A. TO JUDGE

tss

KURIAN JOSEPH, J.

W.P. (C). NO. 1749 OF 2004

Dated this the 19th day of July, 2007.

J U D G M E N T

The petitioner was appointed in the first respondent-Bank in the year 1995. Exhibit P1 is the appointment order issued to the petitioner. The said appointment was preceded by notification, written test, interview and publication of rank-list. It appears, some persons raised certain objections against the selection and appointment before the Registrar. A report was called for from the Joint Registrar by the Registrar. The Joint Registrar by Exhibit P2 report, submitted that the selection and appointment were made properly. There was nothing illegal or irregular about them. The Vigilance Wing of the Co-operative Department also held a further enquiry into the matter and reported that there was nothing illegal or irregular about the selection and appointment. Later, the Joint Registrar by Exhibit P3 order dated 06.01.1998, directed the President of the Bank that the employees appointed by the Bank in 1995, including the petitioner should be terminated from service. The reason is that he had received a report from the Assistant Registrar reporting

certain irregularities in the selection and appointment. The petitioner challenges Exhibit P3 mainly on the ground that it has been passed without hearing him.

2. It is also submitted that in view of Ext. P2 report the present action is unwarranted. It is inspired and vitiated by extraneous considerations.

On the first ground alone, the impugned order is liable to be quashed. The petitioner and other affected employees were not heard. Therefore, Exhibit P3 is quashed. Since the appointment took place in 1995 and especially in view of Exhibit P2, the Joint Registrar need not proceed afresh.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp